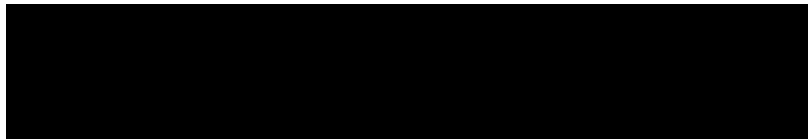


EXHIBIT 20



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

Transcript designated:
Restricted Confidential - source code
Under the protective order

GIGAMON, INC.,
Plaintiff,
vs.
APCON, INC.,
Defendants.

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) Civil Action No.
) 2:19-cv-300-JRG
)
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REMOTE CONFERENCE DEPOSITION OF KEVIN JEFFAY, PH.D.
Chapel Hill, North Carolina
Thursday, September 24, 2020
Volume I

Reported by:
LORI M. BARKLEY
CSR No. 6426
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1 likely going to require to show -- to show that it's 11:38:52	1 "Dr. Wicker provided no explanation, analysis or 11:42:24
2 actually configured, and to the extent that the 11:38:56	2 citation that any of the ports in the Tadmerti switch 11:42:27
3 capability doesn't inherently show that, then you 11:38:59	3 can be configured to be connected to a network as 11:42:31
4 would have to show something more. 11:39:02	4 opposed to only having the capability of being 11:42:37
5 BY MR. DEORAS: 11:39:04	5 connected to a network," correct? 11:42:39
6 Q. I'm not asking you a legal question. I'm 11:39:06	6 A. Correct. 11:42:43
7 asking you how you did your analysis in this case. 11:39:07	7 Q. And there's a difference between being 11:42:43
8 So clearly, when you did your invalidity analysis, 11:39:10	8 configured to be connected to a network and only 11:42:46
9 you said that just capability by itself isn't enough 11:39:15	9 having the capability of being connected to a 11:42:48
10 to meet the network port element; you have to show 11:39:18	10 network, right? 11:42:52
11 that it's configured, right? 11:39:20	11 MS. WEYL: Objection, form. 11:42:56
12 MS. WEYL: Objection, form. 11:39:27	12 THE WITNESS: I -- I don't know how to 11:42:57
13 THE WITNESS: Well, I don't think that's 11:39:34	13 answer that, that question. 11:42:59
14 exactly what I said in paragraph 69. 11:39:35	14 BY MR. DEORAS: 11:43:01
15 BY MR. DEORAS: 11:39:56	15 Q. Literally just reading the words that you've 11:43:02
16 Q. I mean, I just read back what you said 11:39:57	16 written. You say that Dr. Wicker -- 11:43:04
17 earlier, but I can -- I can just tell you. I'm 11:39:59	17 A. No, you're -- you're taking words out of 11:43:08
18 reading back your testimony from earlier. You 11:40:02	18 context. Those words have meaning in that particular 11:43:11
19 said -- ah, yes. So I see you're saying, "Just 11:40:30	19 sentence. If you want to ask me about that sentence 11:43:14
20 capability by itself, no. You have to show that it's 11:40:32	20 and what that means in that sentence, I'm happy to 11:43:17
21 configured." 11:40:35	21 explain it. But that's not what you're doing. 11:43:20
22 Do you agree with that? 11:40:37	22 Q. I guess I'm confused. Just maybe for my own 11:43:25
23 MS. WEYL: Objection, form. 11:40:42	23 understanding, you're saying that Dr. Wicker doesn't 11:43:28
24 THE WITNESS: And what was the question for 11:40:44	24 show that the ports are configured to be connected to 11:43:32
25 which that was the answer? 11:40:44	25 a network as opposed to only having the capability of 11:43:35
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1 BY MR. DEORAS: 11:40:46	1 being connected to a network, right? 11:43:41
2 Q. When you were saying that you misunderstood 11:40:49	2 MS. WEYL: Objection, form. 11:43:48
3 my previous question. 11:40:50	3 THE WITNESS: What it says -- 11:43:49
4 A. Well, but that's -- that's not telling me 11:40:53	4 BY MR. DEORAS: 11:43:50
5 what the question was. 11:40:56	5 Q. Just -- 11:43:50
6 Q. You don't refer to a previous question. We 11:40:58	6 A. Dr. Wicker provides no explanation -- 11:43:51
7 can stop. We don't have to figure out what people 11:41:17	7 Q. Hang on. Answer my question -- 11:43:53
8 are saying or what they're not saying. 11:41:19	8 A. You're asking your question about something 11:43:55
9 Just straight out, you've reviewed the 11:41:21	9 I didn't write. 11:43:57
10 court's construction. You've analyzed the patent. 11:41:24	10 Q. Well, didn't you write -- you wrote this 11:43:57
11 To meet the network port element, you agree that just 11:41:34	11 sentence in paragraph 69 of your report, right? 11:44:00
12 showing that a particular port is capable of being 11:41:40	12 A. I did. And that's not the sentence that you 11:44:06
13 connected to a network by itself is not enough to 11:41:44	13 quoted -- 11:44:08
14 meet the element. You have to show that it's 11:41:47	14 Q. I'll quote the question -- I'll quote the 11:44:08
15 configured to be connected to a network, right? 11:41:50	15 sentence. I don't want to misstate what you said. 11:44:10
16 MS. WEYL: Objection, form. 11:41:53	16 You are saying that Dr. Wicker provides no 11:44:15
17 THE WITNESS: I mean, I don't know how to 11:41:55	17 explanation, analysis or citation to anything in 11:44:20
18 respond to your capability thing. What I will tell 11:41:56	18 Tadmerti that any of the ports on switch 5 can be 11:44:22
19 you is that when I focused on was showing that there 11:41:58	19 configured to be connected to a network as opposed to 11:44:28
20 was a port configured in the case of a network port, 11:42:02	20 only having the capabilities of being connected to a 11:44:32
21 that there was a port configured to be connected to a 11:42:06	21 network. Correct? 11:44:35
22 network and not configured to be connected to an 11:42:09	22 A. That's what the sentence says. 11:44:41
23 instrument. 11:42:11	23 Q. Okay. And is that sentence saying that only 11:44:42
24 MR. DEORAS: Okay. Then when you used the 11:42:17	24 having the capability of being connected to a network 11:44:46
25 word "capability" in paragraph 69, you say that: 11:42:20	25 is different from being configured to be connected to 11:44:49
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